

Translation

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCT02310	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2002/005552	International filing date (day/month/year) 05 June 2002 (05.06.2002)	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC G06F 17/60		
Applicant HONDA GIKEN KOGYO KABUSHIKI KAISHA		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>8</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>7</u> sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input checked="" type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 02 December 2003 (02.12.2003)	Date of completion of this report 26 February 2004 (26.02.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: I.

In the amendment dated 19 February 2004, in addition to adding claim 6, "the order management system according to claim 5, provided with an information acquiring means which acquires information concerning the ability of the party accepting the order to provide resources from the order management terminal of the party accepting the order, and wherein a second ordering means adjusts the aforementioned upper limit based on the information concerning the ability of the party accepting the order to provide resources acquired from the information acquiring means", and in the response to the written opinion submitted on the same date, the applicant asserts as grounds for the amendment, that "in response, the description of this application contains the wording, "In addition, this system is provided with an information acquiring means (omitted from the drawings) which acquires information concerning the ability of the party accepting the order to provide resources from the order management terminal (30) of the party accepting the order, and it is acceptable for the second ordering means (15) to adjust the aforementioned upper limit based on the information concerning the ability of the party accepting the order to provide resources obtained from the information acquiring means" (see description, page 12, lines 22 to 25). Therefore claim 6 of this application is fully supported by the description."

However, page 12, lines 22 to 25 of the description of the application as filed do not contain the aforementioned disclosure which is the grounds for amendment, and said disclosure has been added by the aforementioned amendment, therefore it is clear that this

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: I .

cannot be accepted as a grounds for amendment. In addition, there are no other disclosures in the description or drawings in the application as filed which serve as grounds for said amendments.

Therefore said amendment goes beyond the scope of disclosure in the application as filed.

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III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
- ☒ claims Nos. 5

because:

- ☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

- ☒ the claims, or said claims Nos. 5 are so inadequately supported
by the description that no meaningful opinion could be formed.

- ☒ no international search report has been established for said claims Nos. 5.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

- ☐ the written form has not been furnished or does not comply with the standard.
- ☐ the computer readable form has not been furnished or does not comply with the standard.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 4	YES
	Claims		NO
Inventive step (IS)	Claims	1 - 4	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 - 4	YES
	Claims		NO

2. Citations and explanations

Documents cited in the international search report:

Document 1: JP 5-246514 A (Yoshio Ninomiya), 24 September 1993 (Family: none)

Document 2: JP 11-207574 A (NEC Corporation), 3 August 1999 (Family: none)

Document 3: JP 2001-14019 A (NEC Corporation), 19 January 2001 (Family: none)

Document 4: JP 2001-356812 A (Hitachi, Ltd.), 26 December 2001 (Family: none)

Explanation

Documents 1 to 4 cited in the international search report do not disclose the feature described in this application, wherein "in a plurality of periods in a first predetermined period, the quantity already ordered is changed according to the required quantity corrected by a correcting means, to obtain the most recent order quantity, and in a plurality of periods in a second predetermined period which occurs after a first predetermined period, the quantity already ordered is changed in order to minimize fluctuations in the overall order quantity due to fluctuations in the quantity ordered in the first predetermined period, to obtain the most recent order quantity," and said feature would not be

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obvious to a person skilled in the art.

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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

With regard to claim 5, the description contains the wording "the most recent required quantity can be determined according to the will of the user, therefore it is possible for said user to reflect circumstances concerning the party accepting the order of which said user is aware in the most recent order quantity prepared based on this most recent required quantity." However, the description does not mention the "information acquiring means which acquires information concerning the circumstances of the party accepting the order" described in claim 5, and the nature of the information concerning the circumstances of the party accepting the order is unclear.